

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Saint Paul Area Chamber of Commerce, a )  
Minnesota nonprofit corporation, )  
Burnsville Chamber of Commerce, a )  
Minnesota nonprofit corporation, and )  
Greater Mankato Chamber of Commerce, )  
a Minnesota nonprofit corporation, )

Plaintiffs, )

vs. )

Susan Gaertner, in her official capacity as )  
County Attorney for Ramsey County, )  
Minnesota, James Backstrom, in his )  
official capacity as County Attorney for )  
Dakota County, and Ross Arneson, in his )  
official capacity as County Attorney for )  
Blue Earth County, )

Defendants. )  
\_\_\_\_\_ )

No. 04-CV-3767 (MJD/JGL)

**ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

**The above-entitled matter came on for hearing on July 28, 2006** before the undersigned Judge of United States District Court upon Plaintiffs' Motion for Summary Judgment. Thomas H. Boyd appeared on behalf of Plaintiffs. Darwin Lookingbill appeared on behalf of Defendant Susan Gaertner and Andrea White appeared on behalf of Defendants James Backstrom and Ross Arneson.

Accordingly, based upon the submission of the parties, the arguments of counsel, and all the files, records and proceedings herein, the Court hereby orders as follows:

**ORDER GRANTING DECLARATORY JUDGMENT AND PERMANENT  
INJUNCTION**

1. Plaintiffs' Motion for Summary Judgment [Docket No. 38] is **GRANTED** in all respects.

2. Minnesota Statutes §§ 211B.01, subd. 3, 211B.15, subd. 1(2) and 211B.15, subd. 2 (2004) are unconstitutional and preempted by the Federal Election Campaign Act and its regulations, pursuant to Article VI of the United States Constitution, 2 U.S.C. § 453, and 11 C.F.R. § 108.7(b)(3), insofar as they relate to federal election activities, and, more specifically, elections to the United States House of Representatives and the United States Senate.

3. Defendants are permanently enjoined from enforcing the unconstitutional and expressly preempted provisions of Minnesota law, Minnesota Statutes §§ 211B.01, subd. 3, 211B.15, subd. 1(2), and 211B.15, subd. 2 (2004), insofar as they related to federal election activities and, more specifically, elections to the United States House of Representatives and the United States Senate.

4. This Court declares that, based upon the foregoing, the Declaratory Judgment and Permanent Injunction is effective and binding upon the parties hereto and their successors as of the date fixed below.

5. This Court shall retain jurisdiction over this matter for the purposes of enforcement of the order within.

THERE BEING NO REASON FOR DELAY, LET JUDGMENT BE ENTERED  
ACCORDINGLY. THIS ORDER CONSTITUTES THE JUDGMENT OF THIS  
COURT.

Dated: July 28, 2006

s / Michael J. Davis  
Michael J. Davis  
United States District Court Judge